

LAW AND ARGUMENT

Mr. Young's Motion neither cites to, nor is it supported by, applicable law. The purpose of Mr. Young's subpoena is to secure his trial testimony pursuant to Fed. R. Cr. P. 17(a). *See* Fed. R. Cr. P. 17(a) ("A subpoena must state the court's name and title of the proceeding, include the seal of the court, and command the witness to attend and testify at the time and place the subpoena specifies"). The subpoena was properly and timely served, Mr. Young failed to articulate proper grounds for quashing his subpoena, and he has personal knowledge related to the matters of this case. His Motion to Quash should be denied.

First, the Code of Federal Regulations cited by Mr. Young to file this Motion to Quash, Title 5 Section 1201.82, is not relevant. (Motion to Quash 1). That section "appl[ies] to [Merit System Protection] Board appellate proceedings," not criminal cases. *See* 5 C.F.R. § 1201.11. The applicable rule can be found in the Federal Rules of Criminal Procedure, but Fed. R. Cr. P. 17(a) does not offer witnesses served with a testimonial subpoena for a criminal trial the option to quash a validly issued subpoena. *See* Fed. R. Cr. P. 17(a). Although Fed. R. Cr. P. 17(c)(2) does permit subpoena recipients to quash or modify a criminal subpoena, this subsection governs subpoenas duces tecum, not testimonial subpoenas. And even then, Rule 17(c)(2) only permits the Court to quash or modify a subpoena if compliance "would be unreasonable or oppressive." Fed. R. Cr. P. 17(c)(2). The only reason Mr. Young proffered for quashing his subpoena is that he believes he "has no information regarding the matters of this case," and as such, the subpoena places an "undue burden" on him. Mr. Young does not get to unilaterally decide whether his testimony is relevant, nor does his professed lack of personal knowledge establish that the subpoena is "unreasonable or oppressive."

It is worth noting multiple witnesses have contacted undersigned counsel's office claiming they do not have knowledge of this case. Mr. Cothren maintains he is not required to convey his

rationale or reason for calling Mr. Young or any other witness to testify, and requiring him to do so would set a dangerous precedent.

CONCLUSION

For all the foregoing reasons, Mr. Cothren respectfully requests the Court deny Mr. Young's Motion to Quash.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing motion was electronically filed with the Clerk on February 28, 2025, and service was made upon the following via CM/ECF and/or by email.

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